

**CITY OF LONG BEACH
CITY COUNCIL AGENDA**

Bonnie Lowenthal, 1st District
Dan Baker, 2nd District
Frank Colonna, Vice Mayor, 3rd District
Dennis Carroll, 4th District

Gerald R. Miller, City Manager
Larry G. Herrera, City Clerk



Beverly O'Neill, Mayor

**TUESDAY, SEPTEMBER 9, 2003
COUNCIL CHAMBER, 5:00 P.M.**

Jackie Kell, 5th District
Laura Richardson, 6th District
Tonia Reyes Uranga, 7th District
Rob Webb, 8th District
Val Lerch, 9th District

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINUTES

Call to Order: 5:00 P.M.

Roll Call - Councilmembers Present: Lowenthal, Colonna, Carroll, Kell,
Richardson, Reyes Uranga, Webb, Lerch.
Absent: Baker.
Also Present: Gerald R. Miller, City Manager
Reginald I. Harrison, Deputy City Manager
Robert E. Shannon, City Attorney
Larry G. Herrera, City Clerk
Jonda Matrone, Deputy City Clerk

Mayor O'Neill presiding.

Flag Salute: Councilwoman Jackie Kell, Fifth District

Invocation: Dr. Thomas Knight, Faith Tabernacle Evangelical Church, Long Beach.

Pet Adoption Program Introduction by Denise Jacksy of SPCALA presented a feline.

APPROVAL OF MINUTES

Approval of minutes for City Council meeting of September 2, 2003.

ACTION: Approved. (Lowenthal/Kell) (8/0 Unanimous) (Absent: Baker)

Ordinance No. C-7594 provides that hearings shall be set for 5:00 P.M. each Tuesday, and such hearings shall be held at the specified time for which they are set or as soon as practical regardless of the otherwise order of business of the City Council.

HEARINGS:

1. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Belmont Shore Parking and Business Improvement Area (BSPBIA) annual program and assessment and agreement with Belmont Shore Business Association (BSBA). (Resolution confirming, following hearing, the annual report of the Belmont Shore Parking and Business Improvement Area Advisory Commission, imposing and continuing the levy of annual assessment as set forth in said report and setting forth other related matters.) (District 3) (Doc. 3)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing.

Adopt resolution approving the Belmont Shore Parking and Business Improvement Area Program and Assessment for the period of October 1, 2003, through September 30, 2004.

Authorize City Manager to execute agreement with the Belmont Shore Business Association for a one-year period in an amount not to exceed \$80,000 to promote and market the Belmont Shore commercial area.

ACTION: Received supporting documentation into the record and concluded the hearing. **Adopted Resolution No. C-28236** and authorized City Manager to execute agreement. (Webb/Carroll) (6/0 Unanimous) (Absent: Baker, Richardson) (Abstain: Colonna)

2. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Bixby Knolls Parking and Business Improvement Area (BKPBIA) annual program and assessment and agreement with Bixby Knolls Business Improvement Association (BKBIA). (Resolution confirming, following hearing, the annual report of the Bixby Knolls Parking and Business Improvement Area Advisory Commission, continuing the levy of annual assessment as set forth in said report and setting forth other related matters.) (Districts 7,8) (Doc. 4)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing.

Adopt resolution approving the Bixby Knolls Parking and Business Improvement Area Program and Assessment for the period of October 1, 2003, through September 30, 2004.

Authorize City Manager to execute agreement with the Bixby Knolls Business Improvement Association for a one-year period in an amount not to exceed \$140,000 to promote and market the Bixby Knolls commercial area.

ACTION: Received supporting documentation into the record and concluded the hearing. **Adopted Resolution No. C-28237** and authorized City Manager to execute agreement. (Webb/Reyes Uranga) (7/0 Unanimous) (Absent: Baker, Richardson)

3. DEPARTMENT: PUBLIC WORKS

SUBJECT: Assessment District No. 03-01 for the improvement of the alley east of Magnolia Avenue and north of Thirty-Second Street. (Resolution overruling protests and determining results of election – Assessment District No. 03-01 [Alleyway Improvements].) (Resolution adopting engineer's report, confirming assessments and ordering the acquisition and construction of improvements – Assessment District No. 03-01 [Alleyway Improvements].) (Resolution abandoning proceedings to form Assessment District No. 03-01 [Alleyway Improvements].) (District 7) (Doc. 5)

SUGGESTED ACTION:

Receive supporting documentation into the record and conclude the hearing.

Hold an election of the landowners within the proposed assessment district and determine whether Assessment District No. 03-01 is approved by the affected property owners as evidenced by the affirmative support of at least 50 percent of the returned ballots.

If the election results support the formation of the assessment district,

- a. Adopt resolution overruling protests and determining results of election.
- b. Adopt resolution adopting engineer's report, confirming assessments and ordering the acquisition and construction of improvements;

or

If the election results do not support the formation of the assessment district, adopt the resolution abandoning the formation of Assessment District No. 03-01 (Alleyway Improvements).

ACTION: Received supporting documentation into the record and concluded the hearing.
Adopted Resolution No. C-28238 abandoning the formation of Assessment District No. 03-01 (Alleyway Improvements).
(Webb/Reyes Uranga) (7/0 Unanimous) (Absent: Baker, Richardson)

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM CITY CLERK

Opportunity given to first 10 citizens who have submitted speaker cards in writing to the City Clerk to address the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

Harvey Cochran, spoke regarding various upcoming citywide events.

Robert Bastian, spoke regarding good medical care received at Veteran's Hospital.

Thomas Murphy, spoke regarding storm drains and trash on the beaches.

Dave Bladen, spoke regarding the need to keep the 7th Street Community Police Center open.
(Doc. 6)

NOTICE TO THE PUBLIC

All matters listed under the Consent Calendar are to be considered routine by the City Council and will all be enacted by one motion. There will be no separate discussion of said items unless members of the City Council, staff or the public request specific items be discussed and/or removed from the Consent Calendar for separate action. Requests by the public for separate consideration should be made to the Mayor's Office or City Clerk Department prior to the beginning of the Council meeting.

CONSENT CALENDAR: (4- 15) (Pulled for discussion Items 5, 6, 9, 10, 11, 12, and 13)

4. DEPARTMENT: CITY CLERK

SUBJECT: Claims for Damages. (Docs. 7-17)

SUGGESTED ACTION:

Refer to City Attorney the damage claims received between August 28, 2003 and September 4, 2003.

ACTION: As recommended. (Lowenthal/Carroll) (7/0 Unanimous) (Absent: Baker)
(Abstain: Colonna)

5. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Funding from South Bay Center for Counseling for the Hire-A-Youth Program.
(Citywide) (Doc. 26)

SUGGESTED ACTION:

Authorize City Manager to execute all necessary documents to receive additional funds in the amount of \$15,000 from the South Bay Center for Counseling to operate the Hire-A-Youth Program for the period of October 1, 2002, through September 30, 2003.

ACTION: As recommended. (Colonna/Richardson) (5/0 Unanimous)
(Absent: Lowenthal, Baker, Kell, Lerch)

Speaker: Thomas Murphy

6. DEPARTMENT: COMMUNITY DEVELOPMENT

SUBJECT: Fourth Amendment to Contract No. 27205 between the City of Long Beach and California State University Long Beach Foundation. (Citywide) (Doc. 27)

SUGGESTED ACTION:

Execute amendment to increase contract by \$46,534 for two additional staff through December 31, 2003.

ACTION: As recommended. (Colonna/Richardson) (6/0 Unanimous)
(Absent: Lowenthal, Baker, Lerch)

Speaker: Thomas Murphy

7. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Refund overpayment of \$7,159.89 for utility services to Ly Hor Ith, a utility customer. (Doc. 18)

SUGGESTED ACTION:

Authorize City Manager to issue refund.

ACTION: As recommended. (Lowenthal/Carroll) (7/0 Unanimous) (Absent: Baker)
(Abstain: Colonna)

8. DEPARTMENT: LAW

SUBJECT: Compromise and Release. (Doc. 19)

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$10,000 in compliance with Appeals Board order for claim of Gary Ankeny.

ACTION: As recommended. (Lowenthal/Carroll) (7/0 Unanimous) (Absent: Baker)
(Abstain: Colonna)

9. DEPARTMENT: LAW

SUBJECT: Stipulations with Requests for Awards. (Docs. 28-31)

SUGGESTED ACTION:

Authorize City Attorney to submit for approval by Workers' Compensation Appeals Board, and if so approved, authority to pay \$21,420 in compliance with Appeals Board order for claim of Tony Esparza; \$38,080 for claim of Lynn Nixon; \$56,142 for claim of Jerry Search; and \$17,297 for claim of Pedro Ybarra.

ACTION: As recommended. (Colonna/Richardson) (6/0 Unanimous)
(Absent: Lowenthal, Baker, Webb)

10. DEPARTMENT: LAW

SUBJECT: Lawsuit of Kaveh Nabi against William G. Field, Brian Field, City of Long Beach, et al. (Doc. 32)

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$50,000 in full settlement.

ACTION: As recommended. (Colonna/Richardson) (6/0 Unanimous)
(Absent: Lowenthal, Baker, Webb)

Speaker: Robert Bastian

11. DEPARTMENT: LAW

SUBJECT: Lawsuit of John Deegan against City of Long Beach. (Doc. 33)

SUGGESTED ACTION:

Authorize City Attorney to pay sum of \$15,000 in full settlement.

ACTION: As recommended. (Colonna/Richardson) (6/0 Unanimous)
(Absent: Lowenthal, Baker, Webb)

12. DEPARTMENT: OIL PROPERTIES

SUBJECT: Agreement between City of Long Beach and Lunday-Thagard Company for the Crude Oil Sales Contract: Upland Oil, Fault Block IV Unit and Fault Block V Ranger Zone Unit. (Districts 1,2) (Doc. 34)

SUGGESTED ACTION:

Authorize City Manager to execute agreement for an 18-month term for \$1.2876 per barrel over the base price.

ACTION: As recommended. (Carroll/Kell) (5/0 Unanimous)
(Absent: Lowenthal, Baker, Colonna, Webb)

Speaker: Thomas Murphy

13. DEPARTMENT: OIL PROPERTIES

SUBJECT: Agreement between the City of Long Beach and Valero Marketing & Supply Company for the Crude Oil Sales Contracts: Long Beach Unit, 7 Percent and 5-½ Percent Segments. (Districts 2,3) (Doc. 35)

SUGGESTED ACTION:

Authorize the City Manager to execute agreement for 18-month term.

ACTION: As recommended. (Carroll/Kell) (5/0 Unanimous)
(Absent: Lowenthal, Baker, Colonna, Webb)

Speaker: Thomas Murphy

14. DEPARTMENTS: VARIOUS

SUBJECT: Minutes for filing:

Civil Service Commission, August 13 and 20, 2003 (Docs. 20-21)

Harbor Commission, August 25, 2003 (Doc. 22)

Water Commission, August 7, 2003 (Doc. 23)

SUGGESTED ACTION:

Receive and file.

ACTION: As recommended. (Lowenthal/Carroll) (7/0 Unanimous) (Absent: Baker)
(Abstain: Colonna)

15. DEPARTMENT: POLICE

SUBJECT: Alcoholic Beverage License Applications. (Person-to-Person Transfers)

- A. Application of Evelyn Younghee Chang and Jason Song Kim, dba Big John Liquor, for a Person-to-Person Transfer of an Off-Sale General license at 949 Daisy Avenue. (District 1) (Doc. 24)
- B. Application of Fusion Nutrition Incorporated, dba Wasabi, for a Person-to-Person Transfer of an On-Sale General for bonafide eating place license at 200 Pine Avenue, Suite C. (District 2) (Doc. 25)

SUGGESTED ACTION:

Receive and file with existing conditions.

ACTION: As recommended. (Lowenthal/Carroll) (7/0 Unanimous) (Absent: Baker)
(Abstain: Colonna)

BUDGET HEARING: 7:00 P.M.

16. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Proposed Fiscal Year 2004 Budget. (Police Department staffing and overtime; public input and City Council deliberations.) (Docs. 37-38)

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

17. COUNCIL OFFICES: VICE MAYOR FRANK COLONNA, THIRD DISTRICT
COUNCILWOMAN JACKIE KELL, FIFTH DISTRICT

SUBJECT: Annexation of unincorporated area. (Doc. 36)

SUGGESTED ACTION:

Request City Attorney to review process of annexation for designated Los Angeles County unincorporated area within the City of Long Beach bound by Parkcrest Street to the north, Palo Verde Avenue to the east, Conant Street to the south and Woodruff Avenue to the west.

ACTION: Referred to the Department of Planning and Building.
(Kell/Colonna) (8/0 Unanimous) (Absent: Baker)

Speaker: Angela Kimball

18. COUNCIL OFFICE: COUNCILMEMBER VAL LERCH, NINTH DISTRICT

SUBJECT: Update on current refuse program. (Doc. 39)

SUGGESTED ACTION:

Request update on the effectiveness of this new schedule.

ACTION: Laid item over for 30 days. (Lerch/Richardson) (8/0 Unanimous) (Absent: Baker)

19. COUNCIL COMMITTEE: COUNCILWOMAN LAURA RICHARDSON, SIXTH DISTRICT,
CHAIR, PERSONNEL AND CIVIL SERVICE COMMITTEE

SUBJECT: Adoption of the City of Long Beach Diversity Outreach Program. (Doc. 40)

SUGGESTED ACTION:

Concur in recommendation of Committee that communications be received; the City of Long Beach Diversity Outreach Program adopted as amended by including all non-City Manager Departments; and request staff reports provided on a quarterly basis versus annually.

ACTION: As recommended. (Richardson/Colonna) (7/0 Unanimous)
(Absent: Lowenthal, Baker)

20. COUNCIL COMMITTEE: COUNCILWOMAN LAURA RICHARDSON, SIXTH DISTRICT,
CHAIR, PERSONNEL AND CIVIL SERVICE COMMITTEE

SUBJECT: Diversity Outreach Program Semi-Annual Report. (Doc. 41)

SUGGESTED ACTION:

Concur in recommendation of Committee to receive and file communication.

ACTION: As recommended. (Richardson/Reyes Uranga) (7/0 Unanimous)
(Absent: Lowenthal, Baker)

21. DEPARTMENT: PUBLIC WORKS

SUBJECT: Plans and Specifications No. R-6619 and award contract to Mike Bubalo Construction Co., Inc., for the construction of storm drain pollution trap device at 20th Street and Walnut Avenue. (District 6) (Doc. 42)

SUGGESTED ACTION:

Adopt Plans and Specifications.

Authorize City Manager to award contract to Mike Bubalo Construction Co, Inc., in an estimated amount of \$409,925, and execute the contract and all necessary documents related to the contract.

ACTION: As recommended. (Reyes Uranga/Colonna) (6/0 Unanimous)
(Absent: Lowenthal, Baker, Kell)

RESOLUTIONS:

22. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Resolution making certain findings and determinations and requesting the Board of Harbor Commissioners of the City of Long Beach to approve a transfer of \$9,057,694 from the Harbor Revenue Fund to the Tideland Operating Fund pursuant to the provisions of City Charter Section 1209(C)(4). (Doc. 43)

SUGGESTED ACTION:

Adopt resolution requesting the Board of Harbor Commissioners to approve the transfer of \$9,057,694 from the Harbor Revenue Fund (HR) to the Tideland Operating Fund (TF) as of October 1, 2003.

Request the Board of Harbor Commissioners to make said transfer in equal quarterly installments on October 1, 2003, January 1, 2004, April 1, 2004 and July 1, 2004.

ACTION: Adopted Resolution No. C-28239 and requested the Board of Harbor Commissioners to make said transfer in equal quarterly installments on October 1, 2003, January 1, 2004, April 1, 2004 and July 1, 2004. (Carroll/Colonna) (6/0 Unanimous) (Absent: Lowenthal,Baker,Kell)

Speaker: Thomas Murphy

23. DEPARTMENT: LAW

SUBJECT: Resolution in opposition to State Assembly Bill 1690 and to any State legislation which would authorize local governments to tax the income of its citizens. (Doc. 44)

SUGGESTED ACTION:

Adopt resolution.

ACTION: Adopted Resolution No. C-28240. (Webb/Colonna) (6/0 Unanimous) (Absent: Lowenthal,Baker,Kell)

ORDINANCES:

24. DEPARTMENT: FINANCIAL MANAGEMENT

SUBJECT: Ordinance making findings and determinations regarding contracting for work usually performed by City employees and authorizing the City Manager to enter contracts with Bell Building Maintenance Co., Inc., Come Land Maintenance Services Co., Inc., Goodwill Industries of Long Beach and South Bay, and Grace Building Maintenance Co., Inc. for custodial services. (Citywide) (Doc. 45)

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

Award contracts to Bell Building Maintenance Co., Come Land Maintenance Co., Goodwill Industries and Grace Building Maintenance Co.

Authorize City Manager to execute contracts for a one year period after the Proposition "L" ordinance becomes effective, in the amount not to exceed \$581,290 and make three successive one-year extensions.

ACTION: As recommended. (Colonna/Carroll) (6/0 Unanimous)
(Absent: Baker, Richardson, Reyes Uranga)

25. DEPARTMENT: HARBOR

SUBJECT: Ordinance conferring upon and delegating to the Board of Harbor Commissioners certain additional powers and duties relating to the conveyance of an undivided one-half interest in approximately 2,228 square feet of railroad right-of-way in the City of Vernon. (Doc. 46)

SUGGESTED ACTION:

Declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading.

ACTION: As recommended. (Carroll/Lerch) (7/1 Unanimous)
(Absent: Baker) (Abstain: Colonna)

26. DEPARTMENT: LAW

SUBJECT: Ordinance amending the Long Beach Municipal Code by amending Sections 10.24.010 and 10.24.130, and by adding Section 10.24.150, relating to motorcycle parking.

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

ACTION: Adopted Ordinance No. C-7869. (Colonna/Lowenthal) (8/0 Unanimous)
(Absent: Baker)

27. ADVISORY BODY: PLANNING COMMISSION

SUBJECT: Ordinance designating the Eliot Lane Historic Landmark District. (District 3)

SUGGESTED ACTION:

Declare ordinance read and adopted as read.

ACTION: Adopted Ordinance No. C-7870. (Colonna/Lowenthal) (8/0 Unanimous)
(Absent: Baker)

NEW BUSINESS:

28. Affidavits of Service for special meetings held September 9, 2003. (Docs. 1-2)

ACTION: Received and made part of the permanent record.

29.

30.

PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Councilmembers announced various citywide events.

Councilmember Webb requested the meeting be adjourned in memory of Maxine Lindblom and Rex Richmond.

Councilmember Lerch joined in Councilmember Webb's request the meeting be adjourned in memory of Rex Richmond.

Councilwoman Richardson requested the meeting be adjourned in memory of Leon Price.

Adjournment – 9 :50 P.M.

Opportunity given to citizens to address the City Council on non-agenda items who have not already addressed the City Council on non-agenda items. (Currently limited to three minutes unless extended by City Council.)

REMINDERS:

September 9, 2003, Budget Workshop at 2:00 P.M.

September 9, 2003, Housing Authority at 4:30 P.M.

Wednesday, September 10, 2003, I-710 Oversight Committee at 6:00 P.M., at Cabrillo High School, 2001 Santa Fe Avenue.

September 16, 2003, Budget Workshop at 2:00 P.M.

September 16, 2003, Hearing on resolution of Intention to vacate subterranean portions of Broadway and The Promenade and an above-grade portion of The Promenade adjacent to 201 East Broadway. (District 2)

September 16, 2003, Budget Hearing at 7:00 P.M.

September 23, 2003, Hearing on application of Sieng Sokvan Vuth, dba The Green Mango Restaurant, for a Permit for Entertainment With Dancing by Patrons at Existing Restaurant at 1360 E. Anaheim Street, No. 205. (District 2)

September 23, 2003, Hearing on application of Museum of Latin American Art (MOLAA) for a Permit for Entertainment With Dancing by Patrons at Existing Museum at 628 Alamitos Avenue. (District 2)

September 23, 2003, Hearing on agreement of purchase and sale of agency-owned property at southwest corner of Anaheim Street and Walnut Avenue located in Central Long Beach Redevelopment Project Area. (District 2)

September 23, 2003, Hearing on preferential parking designations: south of Anaheim Street and west of Termino Avenue; vicinity of Millikan High School; and Los Altos area. (Districts 4,5)

NOTE: An agenda may be obtained from the City Clerk Department prior to the meeting or can be mailed if the City Clerk is provided self-addressed, stamped envelopes mailed to: City Clerk Dept., City Hall Plaza Level, 333 W. Ocean Blvd., Long Beach, CA 90802. You may view the agenda or documents on the Internet at **www.longbeach.gov**. E-Mail correspondence can be directed to **cityclerk@longbeach.gov**. Agenda items may be reviewed in the City Clerk Department or the Government Publications Section of the Main Library and at Branch Libraries. Communicate through the Telephone Device for the Deaf (TDD) at (562) 570-6626. If a special accommodation is desired pursuant to the Americans with Disabilities Act, or if you need the agenda provided in an alternate format, please phone Jonda Matrone at (562) 570-6765 in the City Clerk Department. Inquire at the City Council Chamber Audio-Visual Room for an assistive listening device.